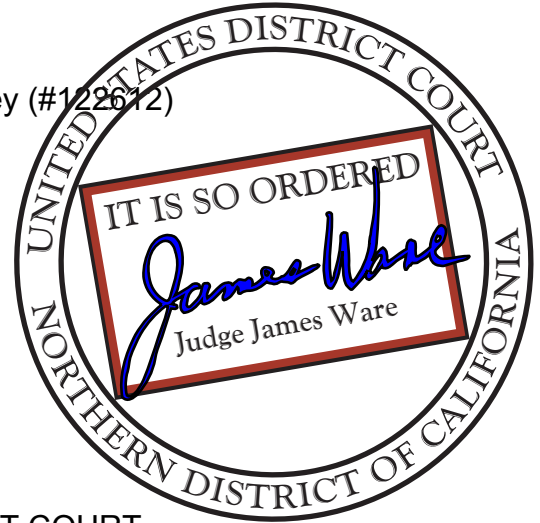


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11 CITY OF SAN JOSE and GILBERT VIZZUSI,



12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE FACILITY

15 JORGE ALBERT SANCHEZ,

16 Plaintiff,

17 v.

18 CITY OF SAN JOSE, et al.,

19 Defendants.

NO.: C-04-1683 JW

**STIPULATION AND [PROPOSED]  
ORDER TO ALTER MOTION HEARING  
DATE  
L.R. 6-2**

20 Counsel for the parties have met and conferred regarding the last date for hearing  
21 dispositive motions in this case. Currently, that date is March 27, 2006, which was set as  
22 a result of a recent Stipulation. Unfortunately, Plaintiff's counsel has been ill for the last  
23 several weeks and has been unable to work on the motion, which is currently scheduled to  
24 be filed this Friday, February 17, 2006. Plaintiff's counsel has asked to extend the hearing  
25 date by two weeks. Defense counsel has no objection.

26 This alteration **will not affect** the remainder of the schedule set by the court. This  
27 case is set for a Preliminary Pretrial and Trial Setting Conference on April 17, 2006, at  
28 11:00 a.m. No trial date is currently set. Therefore, changing the hearing date on the  
summary judgment motions to April 10, 2006 will not interfere with the court's current  
schedule.

1 Accordingly, the parties hereby stipulate to the following alterations in the  
2 Scheduling Order:

| 3 <u>Order/Activity:</u>     | <u>C urrent Date:</u> | <u>New Date:</u> |
|------------------------------|-----------------------|------------------|
| 4 Dispositive Motion Cut-Off | March 27, 2006        | April 10, 2006   |

5  
6 SO STIPULATED:

7  
8 DATED: FEBRUARY 14, 2006 LAW OFFICES OF MARC P. FAIRMAN

9  
10 By: /s/ Marc P. Fairman  
MARC P. FAIRMAN

11 Attorneys for Plaintiff  
12 JORGE SANCHEZ

13  
14 DATED: FEBRUARY 14, 2006 RICHARD DOYLE, City Attorney

15 By: /s/ Clifford S. Greenberg  
16 CLIFFORD S. GREENBERG  
Senior Deputy City Attorney

17 Attorneys for Defendants  
18 CITY OF SAN JOSE and GILBERT VIZZUSI

19 **ORDER**

20 Based upon the agreement of the parties, and good cause appearing therefore, it is  
21 ORDERED that the SCHEDULING ORDER for this case is modified as follows:

22 Deadline for Dispositive Motions, April 10, 2006  
23 Last Day for Hearing:

24  
25 IT IS SO ORDERED:

26 DATED: March 3, 2006

27   
28 THE HONORABLE JAMES WARE  
UNITED STATES DISTRICT COURT